



Via Email Only – cherylschmit@att.net

February 27, 2009

Stand Up For California
Post Office Box 355
Penryn, CA 95663
Attn: Cheryl Schmit, Director

RE: Your Request for Public Records

Dear Ms. Schmit:

This letter is in response to your request for records dated February 18, 2009 and received by the City of Porterville on February 17, 2009 (copy attached hereto). Attached please find the documentation referenced below:

1.
 - a. Agenda Face Sheet for Council Meeting of January 30, 2008;
 - b. January 30, 2008 Staff Report for “Consideration of Approval of a Memorandum of Understanding Between the City of Porterville and the Tule River Indian Tribe to Advance Further Negotiations and the Performance of Governmental Processes” (*approved via Minute Order 01-013008*);
 - c. Executed Memorandum of Understanding between City of Porterville and Tule River Indian Tribe dated January 30, 2008;
 - d. Agenda Face Sheet for Council Meeting of June 24, 2008;
 - e. June 24, 2008 Staff Report for “Resolution Approving Articles of Incorporation and Bylaws – Porterville Airport Area Development Corporation” (*approved as Resolution 55-2008 as amended to require a 4/5ths vote to amend ByLaws; and with granting City Attorney authority to make non-substantive changes if so required by Secretary of State when Articles of Incorporation are filed*);
 - f. Resolution 55-2008;
 - g. Filed Articles of Incorporation for Porterville Area Airport Development Corporation (PAADC); and
 - h. Bylaws of PAADC.

Stand Up For California
Attn: Cheryl Schmit
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2. Please be advised there are no documents in existence that are responsive to this request.
3. Please see agenda face sheets and staff reports in Item 1 above.
4.
 - a. Agenda Face Sheet for Council Meeting of August 19, 2008;
 - b. Staff Report for "Consideration of Legislative Issues – 2008-09 State Budget; AB 1884; Proposition 7 (2008)" (approved via Minute Order 10-081908);
 - c. Letter to Governor Schwarzenegger dated August 19, 2008.

Should you require any additional information, please don't hesitate to contact our office.

Sincerely,



Patrice Hildreth
Chief Deputy City Clerk

Encl.

PORTERVILLE CITY COUNCIL AGENDA
COUNCIL CHAMBERS, CITY HALL
291 NORTH MAIN STREET, PORTERVILLE
ADJOURNED MEETING – JANUARY 30, 2008, 6:00 P.M.

Call to Order
Roll Call: Council

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not.

SCHEDULED MATTERS

1. Consideration of Approval of a Memorandum of Understanding Between the City of Porterville and the Tule River Indian Tribe to Advance Further Negotiations and the Performance of Governmental Processes
Re: Considering approval of MOU with the Tule River Indian Tribe identifying framework for future negotiations for the development of the Porterville Municipal Airport area.
2. June 3, 2008 City of Porterville General Municipal Election: Call for Election; Requesting and Consenting to Consolidation of Elections; and Setting Specified Services
Re: Setting election precepts including decisions regarding candidate statements and the use of Tulare County services for election, and authorizing \$30,000 budget adjustment from unallocated reserves in the General Fund to account for election costs.
3. Training Presentation on Ethics and the California Ralph M. Brown Act
Re: Training Session facilitated by attorney Michael Jenkins.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

- A. Closed Session Pursuant to:
1- Government Code Section 54957.6 - Conference with Labor Negotiator. Agency Negotiator: John Lollis. Employee Organization: Porterville City Firefighters Association.

ADJOURNMENT to the Council Meeting of February 12, 2008 at 6:00 p.m. in the Council Chambers.*

**Due to a lack of quorum for the Regular City Council Meeting of February 5, 2008, this meeting will adjourn to a meeting of February 12, 2008.*

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

1a

SUBJECT: **Consideration of Approval of A Memorandum of Understanding Between the City of Porterville and The Tule River Indian Tribe To Advance Further Negotiations And The Performance of Governmental Processes**

SOURCE: City Manager

The Porterville City Staff has been working with the Tule River Indian Tribe staff to develop a framework for STIG's consideration of the development project near the Porterville Airport. Significant progress has been made with this effort.

The specific procedural points are incorporated in a draft Memorandum of Understanding between the City and the Tribe. This document has been attached.

Essentially, the Memorandum of Understanding presents the following:

- It defines a (1) primary zone and (2) a benefit zone at and near the Porterville Airport for a coordinated and cooperative development process. The benefit zone is an area where development may benefit the project or benefit from the project.
- Within the primary zone, it defines area which may be developed for a major resort and other compatible uses. Property is included within the primary zone which may be developed as a Porterville Fair site; however, such development would not be covered by the agreement.
- Because revenues may be raised from the future resort site, a financial mechanism is outlined which would provide monies for service contracts to the City and the Tribe and which would also allow monies to be used for public improvements within the primary and the benefit zone.
- A successor entity to STIG called the Porterville Airport Area Development Association (PAADA) is defined. Once legislation is passed allowing the creation of a joint powers agency between the City and the Tribe, the successor entity could, with the City and Tribal Council's approval, transition to a joint powers agency.



- As a joint exercise of powers agency, if funding is available from the resort revenue allocations, the entity is charged with pursuing the development of a golf course in the Porterville Airport area.
- The draft Memorandum of Understanding indicates that within the primary zone, PAADA shall serve as the appeals body for disputes between the parties with regard to the property/area, projects and fees. Within the benefit zone, PAADA decisions shall be advisory.

The draft Memorandum of Understanding is a framework for the preparation of a detailed Agreement. This Agreement shall be formulated through STIG/PAADA and will require the approval of the City Council and Tribal Council. An important factor that the future agreement addresses is the fee-to-trust status of the 40 acres owned by the Tule River Tribe.

The City Manager has been advised that the Tule River Tribal Council has reviewed the Memorandum of Understanding and has approved the document for signature.

RECOMMENDATION: Approve the Memorandum of Understanding as a framework for future negotiation through STIG/PAADA between the City Council and Tribal Council for the development of the Porterville Airport area.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
PORTERVILLE AND THE TULE RIVER INDIAN TRIBE TO ADVANCE
FURTHER NEGOTIATIONS AND THE PERFORMANCE OF
GOVERNMENTAL PROCESSES**

1. The City and Tribe desire to work together towards the development of the Tribe's property located within the City of Porterville and subject to the land trust application currently pending before the Bureau of Indian Affairs, to be amended for gaming and resort use. Specifically the Tribe desires to develop and construct a hotel resort and casino, and the City is supportive of the concept.
2. The parties desire to resolve the prior objections and issues between the parties concerning the land fee to trust application.
3. The deal points contained herein shall be used for the development of a detailed Agreement(s) consistent with these deal points.
4. The City and the Tribe agree that following property described in Attachment 1a and 1b will be subject to this Agreement, excluding the potential location of the Porterville Fair at the City's Sports Complex property.
5. The City acknowledges that the proposed comprehensive amendment to the City's General Plan allows for commercial recreation which would include the resort development. However, the public input and testimony portion of the general plan process has not yet been concluded.
6. Upon adoption of a comprehensive General Plan Amendment, that allows for commercial recreation, the Porterville Airport Area Development Association/Agency ("PAADA," described in further detail below) shall pursue/propose a Specific/Master Plan for the property for resort and recreational use.
7. The City shall conduct the appropriate environmental review as required by CEQA with regard to any projects related to these deal points, including but not limited to any review needed for the adoption of the Agreements, review related to the General Plan update, the Specific/Master plan, and the project(s) itself. The costs for review shall be shared between the parties in proportion via future agreements before the specific costs are incurred.
8. The Tribe shall conduct the appropriate environmental review as required by NEPA concerning the project.

9. The Tribe agrees to move forward with its plans for a hotel resort and casino, including in a future phase, development of a golf course facility by PAADA.
10. The parties agree to reform the current STIG organization into the Porterville Airport Area Development Association/Agency ("PAADA"). PAADA shall remain an advisory committee unless and until the parties receive legislative authorization for the creation of a joint powers authority or other entity. If PAADA does not receive such legislative authorization, PAADA's determinations shall be deemed recommendations to the City and Tribal Council. PAADA shall be responsible for oversight and recommendations to the parties concerning the development of the airport area (defined above) as well as the exploration of other development and recreational opportunities of mutual interest to the parties. PAADA shall also serve as the reviewing body concerning proposed regulations by either party affecting the property subject to these deal points, the development applications/permits and fees concerning the property, operating and service/mutual aid agreements between the parties concerning the property, and any regulatory action needed for projects in the area subject to these deal points. Additionally, all in lieu fees for property, sales, transient occupancy, utility user, and business licenses related to the subject property/area shall be coordinated through PAADA via the Summary of STIG/PAADA Finance Mechanism attached hereto as Attachment 2, and annually reviewed by PAADA.
11. PAADA shall serve as the appeals body for disputes between the parties with regard to the property/area, projects and fees. Decisions by PAADA shall be final and conclude all administrative remedies between the parties. Within the primary zone (see Attachments 1a and 1b), to the extent allowed by law, decisions by PAADA will be appealable to the Federal or State Court in accordance with the jurisdiction provisions of the Agreements between the parties and applicable law. Within the benefit zone, PAADA decisions shall be advisory.
12. PAADA shall not intervene between the parties and other regulatory authorities. PAADA shall not impair the operational management of tribal or city-owned properties, or other properties under the jurisdiction of the respective parties but not subject to these deal points.
13. PAADA shall consist of five association members, of whom two members shall be appointed by the Tribal Council from its membership and two members shall be appointed by the City Council from its membership. The remaining member shall be appointed by the four PAADA committee members and serve a one year term. A majority vote of the entire PAADA membership shall be required for the adoption of a recommendation. The parties shall, cooperate to develop the procedural rules for determinations by and appeals to PAADA. Said rules shall be consistent with all laws applicable to the City, including but not limited to the Brown Act.
14. The parties agree to pursue the development of Agreements consistent with these

deal points, including an Agreement(s) covering the specific development project(s) contemplated, service/mutual aid agreements, and provisions for City's cost recovery service agreements.

Approved for further negotiations through January 30, 2010.

Date: 03-07-08

CITY COUNCIL OF THE CITY OF PORTERVILLE

Felipe G. Martinez
By: *Edwards Hernandez*
Cameron Hamilton, Mayor

Date: 03-MAR-08

TULE RIVER TRIBAL COUNCIL

By: *Neil Peyron*
Neil Peyron, Chairman

Potential Alternative Zone Definitions

Primary Zone: **Alt. 1** The Primary Zone includes the Tribal land subject to the Land to Trust Application which includes Assessor Parcel Numbers 302-400-001 through 017 and adjacent public right-of-way. It also includes the existing Sports Complex property to the north which consists of 100± acres and the City's 34± acre parcel immediately south of the Tribal land. This area is identified on the Draft PAADA Land Use Area Diagram attached hereto.

Land within this area is subject to STIG/PAADA land use, fiscal and programmatic decision making authority. It is mutually agreed that the decisions made with the Primary Zone are of utmost importance to the economic viability of the uses to be developed in this area.

Alt. 2 As depicted on the attached diagram, the Primary Zone is the location of the Resort Development and other related Commercial or Municipal Recreational uses that are the focus of the joint land use agreement and proposed Joint Powers Authority. Land within the Primary Zone is subject to STIG/PAADA's land use authority. It is mutually agreed upon that the compatibility and connectivity of these uses are of the utmost importance.

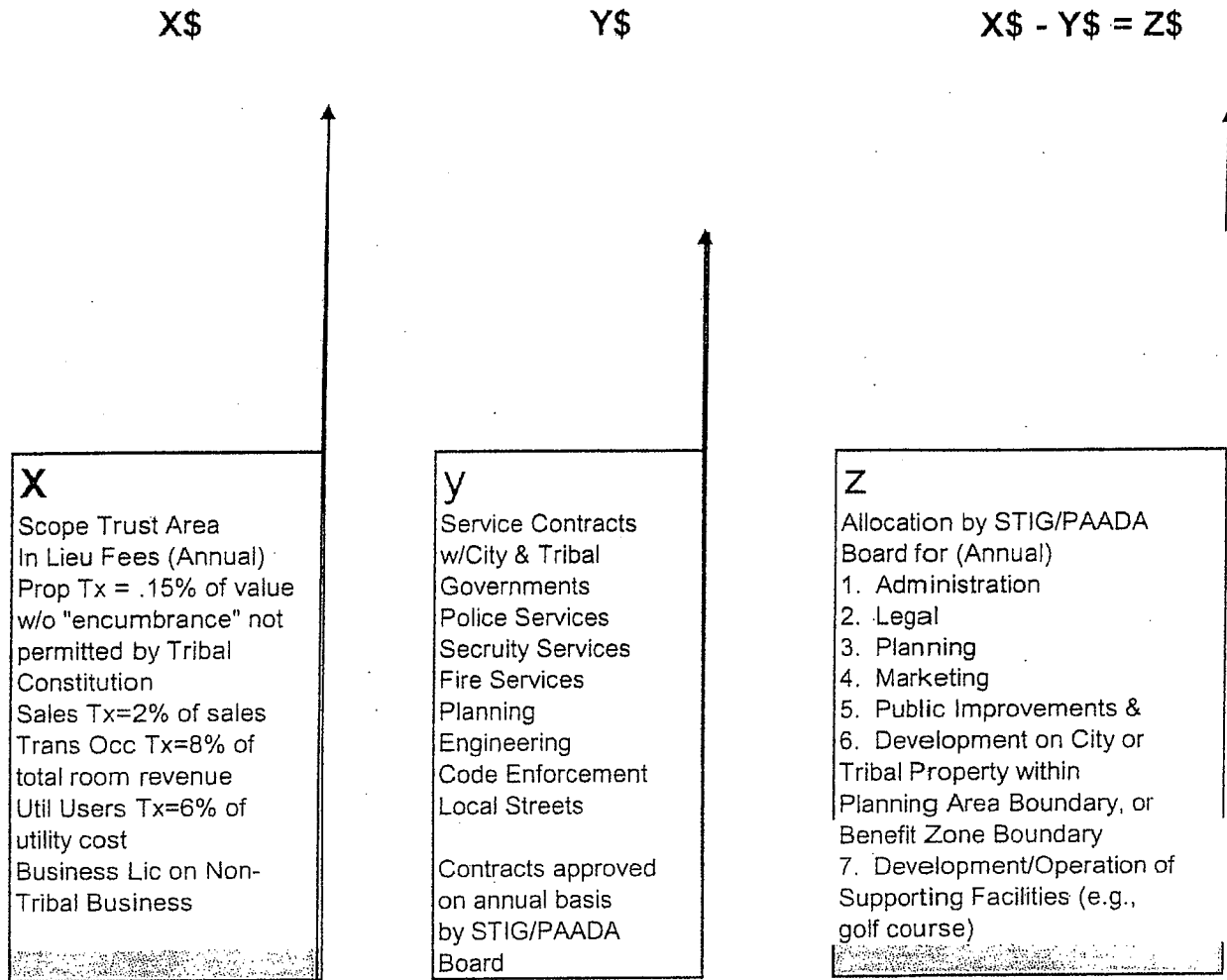
Alt. 3 The Primary Zone is identified on the attached Draft PAADA Land Use Area diagram, a portion of which is the subject of the Tribe's Land to Trust Application for the proposed Resort/Casino Development. Additional land within the Primary Zone under City ownership bears a direct relationship to the economic and operational viability of the Resort/Casino Development. Therefore it is mutually agreed that the coordinated decision making for projects within this Zone shall be made by STIG/PAADA.

Benefit Zone: **Alt 1.** The Zone of Benefit is described on the attached diagram as an area that has a close relationship to the Primary Zone in that it incorporates adjacent lands and lands following access routes into and out of the area that are wholly or partially within the City jurisdiction. It is mutually agreed upon that, due to its relationship to the Primary Zone, the area could benefit from revenues derived within the Primary Zone that may benefit the area and in return benefit the development within the Primary Zone.

Alt. 2 As depicted on the attached diagram, the Zone of Benefit is that area that is either wholly or partially within the City's jurisdictional boundaries, and may benefit by revenues generated within the Primary Zone and by funding projects within this zone, may in return, benefit development within the Primary Zone.

Alt. 3 The Zone of Benefit is identified on the attached Draft PAADA Land Use Area diagram that may benefit by the Resort/Casino Development by the economic success of the project by the use of funds derived within the Primary Zone that will provide resources to undertake projects that will in return benefit development within the Primary Zone.

SUMMARY OF STIG/PAADA FINANCE MECHANISM



X = Monies received from in lieu agreements (revenues)

Y = Monies expended by STIG/PAADA for service support agreements between STIG/PAADA and the City or Tribe

Z = Remainder monies after support agreements for STIG/PAADA activities for STIG/PAADA Admin, Legal, Planning, and Public Improvements/Development in STIG/PAADA Planning Area or Benefit Zone, and the Development, Maintenance and Operation of Facilities that support Primary Zone Projects (e.g., golf course)

**PORTERVILLE CITY COUNCIL AGENDA
COUNCIL CHAMBERS, CITY HALL
291 N. MAIN STREET, PORTERVILLE, CALIFORNIA
JUNE 24, 2008 - 6:00 P.M.**

Roll Call
Pledge of Allegiance
Invocation

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

ORAL COMMUNICATIONS

This is the opportunity to address the Redevelopment Agency on any matter of interest.

REDEVELOPMENT AGENCY SCHEDULED MATTER:

- PRA-1. Redevelopment Bond Issue Refinancing
Re: Consideration of options for the refinancing of the existing Redevelopment 2002 Bond Issue to provide additional funding for the Porterville Hotel project.

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter of interest, whether on the Agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR

1. Approval for Community Civic Event -- Porterville Unified School District --Central Valley Hot Summer Daze Car and Bike Show and Music Festival
Re: Considering approval of event to take place on Main Street in Downtown Porterville on August 9, 2008 from 10:00 a.m. to 7:00 p.m.
2. Draft Letter to California Public Utilities Commission Regarding Southern California Edison San Joaquin Cross Valley Loop Application
Re: Consideration of approval of draft letter to CPUC pursuant to City Council direction at its meeting of June 17, 2008.

PUBLIC HEARINGS

3. Vacation of Public Emergency Access Easement Related to the Riverwalk Marketplace Commercial Center Expansion (Ennis Commercial Properties)
Consideration of approval of vacation of a 25 foot emergency access easement which is no longer necessary due to the completion of Vandalia Avenue.

SCHEDULED MATTERS

4. Resolution Approving Articles of Incorporation and Bylaws – Porterville Airport Area Development Corporation
Re: Consideration of a resolution approving articles and bylaws for a proposed nonprofit corporation (the “Porterville Airport Area Development Corporation”) to aid in the financing and administering of funds for the public works projects and improvements associated with development on the Tribal owned land at the Porterville Airport.

COUNCIL REORGANIZATION

5. Acceptance of Canvass of Votes - Election of June 3, 2008
6. Comments by Mayor and Members of the City Council
7. Presentation of Service Award to Retiring Council Member by the Mayor
8. Administration of Oath to New Council Members; Presentation of Certificate of Election by Judge Glade Roper; Seating of New City Council
9. Selection of Mayor
10. Selection of Mayor Pro Tem
11. Comments by the Mayor, Mayor Pro Tem, and Members of the City Council

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

ADJOURNMENT - to the meeting of July 1, 2008 at 6:00 p.m.

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.

TITLE: RESOLUTION APPROVING ARTICLES OF INCORPORATION AND BYLAWS
– PORTERVILLE AIRPORT AREA DEVELOPMENT CORPORATION

SOURCE: CITY ATTORNEY

COMMENT: The Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Development Association (STIG/PAADA) is developing articles and bylaws for a proposed nonprofit corporation (the “Porterville Airport Area Development Corporation”). The corporation’s purpose would be to aid in the financing and administering of funds for the public works projects and improvements associated with any development on the Tribal-owned land by the airport. It is anticipated that this corporation would work in conjunction with the activities of the current STIG/PAADA, and with any joint powers authority created in the event special State legislation is adopted authorizing the creation of such an authority.

Attached are drafts of the Articles of Incorporation and Bylaws. The drafts include the comments provided by the Council at the May20, 2008 Council Meeting and additional revisions per the STIG/PAADA Board. The drafts are now ready for consideration and approval by the City and Tribe before being submitted to the California Secretary of State.

The Directors of the Corporation parallel the Directors of STIG/PAADA. While there would be four initial incorporators/directors, these directors shall appoint a fifth director, by unanimous vote of those present. An affirmative vote of the majority of the total number of Board members is required for all other decisions to be effective. The current drafts provide for President, Vice-President, Secretary and Treasurer of the Corporation, and subordinate offices could be created. The corporation would be a tax-exempt organization pursuant to Internal Revenue Code Section 501(c)(3). The organization would be subject to the Brown Act.

RECOMMENDATION: That the City Council review and consider the attached Articles and Bylaws, and adopt the attached Resolution

- ATTACHMENTS:
- 1) Resolution No. _____, a Resolution of the City Council of the City of Porterville Authorizing the Formation of the Porterville Area Airport Development Corporation, a Public Benefit Nonprofit Corporation Organized Pursuant to Internal Revenue Code Section 501(c)(3), Authorizing the Filing of the Articles of Incorporation, and Approving the Bylaws
 - 2) Articles of Incorporation of the Porterville Airport Area Development Corporation
 - 3) Bylaws of the Porterville Airport Area Development Corporation

Item No. 4

4e

RESOLUTION NO. ____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE FORMATION OF THE PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION, A PUBLIC BENEFIT NONPROFIT CORPORATION ORGANIZED PURSUANT TO INTERNAL REVENUE CODE SECTION 501(c)(3), AUTHORIZING THE FILING OF THE ARTICLES OF INCORPORATION, AND APPROVING THE BYLAWS

WHEREAS, on November 19, 2002, the City of Porterville and the Tule River Indian Tribe formed the Southeastern Tulare County Intergovernmental Coordinating Committee ("STIG") to address joint opportunities and issues of concern for the parties;

WHEREAS, since this time the Committee has met regularly to discuss potential opportunities, and in particular have discussed the potential development of Tribe-owned property located within the City of Porterville and currently subject to a land fee-to-trust application pending before the Bureau of Indian Affairs;

WHEREAS, on January 30, 2008, the parties approved a Memorandum of Understanding Between the City of Porterville and the Tule River Indian Tribe to Advance Further Negotiations and the Performance of Governmental Processes;

WHEREAS, the parties have determined, that in order to assist the City and the Tribe with the administering of funding for STIG's objectives, and for the creation of economies and efficiencies of purpose, the formation of a California nonprofit, public benefit corporation would be beneficial;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City Council of the City of Porterville hereby approves the Articles of Incorporation of the Porterville Area Airport Development Corporation, attached hereto as Exhibit

“A,” authorizes the City-appointed STIG Committee members to execute the Articles as two of the four Incorporators, and authorizes the filing of said Articles, upon execution by the Tribe-appointed STIG members, with the appropriate authorities of the State of California.

2. The City Council hereby approves the draft Bylaws, attached as Exhibit “B,” for consideration and approval by the Corporation at its first organizational meeting.

3. The City Council hereby authorizes the execution of any other documents, and authorizes any other actions necessary for the formation of the nonprofit corporation.

APPROVED AND ADOPTED this _____ day of June, 2008.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

ARTICLES OF INCORPORATION [DRAFT]
- OF THE -
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

ARTICLE I

The name of this corporation is: **Porterville Area Airport Development Corporation.**

ARTICLE II

A. This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

B. The specific purposes for which this corporation is organized include the following: to assist the City of Porterville (the "City"), and the Tule River Indian Tribe (the "Tribe") and potentially other public agencies with which the City and Tribe are engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvements for the use, benefit and enjoyment of the members of the public served by City, the Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Julia M. Lew
McCormick, Kabot, Jenner & Lew
1220 West Main Street
Visalia, CA 93291

ARTICLE IV [DRAFT]

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE V

The property of this corporation is irrevocably dedicated to **charitable** purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, organization, corporation, or governmental entity which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

IN WITNESS WHEREOF, for the purposes of forming the corporation under the laws of the State of California, the undersigned has executed these Articles of Incorporation this ____ day of _____, 2008.

Incorporator

Incorporator

Incorporator

Incorporator

Bylaws [DRAFT 6/10/08]
- of the -
Porterville Area Airport Development Corporation

ARTICLE I

Name, Organization and Purpose, Principal Office

Section 1.1. Name. The name of this corporation is PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION (hereinafter referred to as the "Corporation").

Section 1.2. Organization, Purpose and Use of Funds. The Corporation is a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (the "Law") exclusively for the promotion of charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code (the "Code") and to assist the City of Porterville (the "City") and the Tule River Indian Tribe (the "Tribe"), and other public agencies in the State of California of which the City is a member or is otherwise engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvement for the use, benefit and enjoyment of the members of the public served by City, Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose. The activities of the Corporation shall be limited to the activities described in its Articles of Incorporation. No gains, profits or dividends shall be distributed to any of the Directors or officers of the Corporation; and no part of the net earnings, funds or assets of the Corporation shall inure to the benefit of any Director or any other person, firm or corporation excepting only the as described herein.

Section 1.3. Principal Office. The principal office of the Corporation is hereby fixed and located at 2780 West Yowlumne Avenue, Suite 2, Porterville, California 93257. The Board of Directors is hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary opposite this section, but shall not be considered an amendment to these Bylaws.

ARTICLE II **[DRAFT]**

No Members

Section 2.1. No Members. Pursuant to Section 5310 of the Law, the bylaws of a nonprofit corporation may provide that the corporation shall have no members. This Corporation shall have no members.

ARTICLE III

Directors

Section 3.1. Powers. Subject to limitation of the Articles of Incorporation, the Bylaws, and the Law, and subject to the duties of Directors as prescribed by the Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be controlled by, the Board of Directors. No Director shall be responsible for any error in judgment or for anything that such Director may do or refrain from doing in good faith. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

1. To select and remove all appointed officers, agents and employees of the Corporation, prescribe such powers and duties for such officers, agents and employees as may not be inconsistent with law or the Articles of Incorporation or Bylaws, fix their compensation and require from such officers, agents and employees security for faithful service;
2. To conduct, manage and control the affairs and business of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or Bylaws, as the Directors may deem best; and
3. To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the name of the Corporation or otherwise, promissory notes, bonds, certificates of participation, debentures, deeds of trust, mortgages, pledges, hypothecation or other evidences of debt and securities therefor.

Section 3.2. Number of Directors. The authorized number of Directors shall be five until changed by amendment of the Articles of Incorporation or by amendment of the Bylaws.

Section 3.3. Selection and Term of Office. The initial Directors of the Corporation shall include four (4) incorporators, two (2) of whom are designated by the Porterville City Council and whom are current Porterville City Council Members (hereinafter referred to as “City - Appointed Directors”) and two (2) of whom are designated by the Tule River Tribal Council and are current or prior Tule River Tribal Council Members (hereinafter referred to as “Tribe – Appointed Directors”). The four initial directors shall appoint, by unanimous vote of those present, one additional director, who shall be a resident of Tulare County (hereinafter referred to as the “Board - Appointed Director”). This director may be the same individual appointed to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association by the four members of that organization. Except as hereinafter provided and in accordance with Section 5220(d) of the law, each City and Tribe Appointed Director shall hold office until removed by its respective legislative body. The Board-Appointed Director shall hold office for a term of one year, but said term may run consistent and in conjunction with his/her term as a member of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

Section 3.4. Vacancies. Subject to the provisions of Section 5224 of the Law, any Director may resign effective upon giving written notice to the President or the Secretary, unless the notice specifies a later time for the effectiveness of such resignation. No such resignation shall be effective, however, unless and until such Director shall have resigned from the Board of Directors of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

A vacancy or vacancies on the Board of Directors shall be deemed to exist upon the expiration of a Director’s term, if the authorized number of Directors comprising the Board of Directors of the District is increased, or upon the events specified in Government Code § 1770 including but not limited to the death, or resignation, on the Board of Directors of the District.

City-Appointed Director vacancies on the Board of Directors shall be filled by the Porterville City Council. Tribal-Appointed vacancies on the Board of Directors shall be filled by the Tule River Tribal Council. A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors, by a unanimous vote of the Directors present.

Section 3.5. Organization and Annual/Quarterly Meetings. The Board of Directors shall hold at least one annual meeting for the purpose of organization and the transaction of business of the corporation. The Board of Directors shall appoint, from it’s own body, a President, Vice-President, Secretary, and Treasurer, and these officers shall serve as

specified in Article IV. Subject to Section 3.11 hereof, quarterly meetings of the Board of Directors shall be held on the first _____ in the month of _____, but in no case held later than June 1 of each year.

Section 3.6. Regular Meetings. The Board of Directors by resolution may provide for the holding of regular meetings and may fix the time and place of holding such meetings.

Section 3.7. Special Meetings; Notice Waiver. A special meeting of the Board of Directors shall be held whenever called in accordance with the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California and Section 5211(a)(2) of the Law and Section 3.11 hereof.

Section 3.8. Adjourned Meetings; Notice of Adjournment. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a majority may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section 3.8, the resulting adjourned regular meeting is a regular meeting for all purposes.

Section 3.9. Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.

Section 3.10. Fees and Compensation. Directors shall receive no compensation or expenses from the Corporation for services as Directors of the Corporation.

Section 3.11. Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings of the Board of Directors shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.

Section 3.12. Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairman chosen by a majority of the Directors present, shall preside at meetings of the Board of Directors.

ARTICLE IV **[DRAFT]**

Officers

Section 4.1. Officers. The officers of the Corporation shall include a President, a Vice President, a Secretary and a Treasurer, all of whom shall be appointed from the Board of Directors. The Corporation may also have, at the discretion of the Board of Directors, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be appointed by the Board of Directors and are not members of the Board of Directors. One person may hold two or more offices, except that the offices of President and Secretary or President and Treasurer may not be combined.

Section 4.2. President. The person serving from time-to-time as the President of the Board of Directors of the Corporation shall serve as the President of the Corporation. The President shall preside at all meetings of the Board of Directors.

Section 4.3. Vice-President. The person serving from time-to-time as Vice President of the Board of Directors shall serve as Vice-President of the Corporation. The Vice-President shall preside at meetings of the Board of Directors in the event that the President is unable to do so.

Section 4.4. Secretary. The person serving from time-to-time as Secretary of the Board of Directors shall serve as Secretary of the Corporation. The Secretary shall keep at the principal office of the Corporation a book of minutes of all meetings of Directors, with the time and place of holding, how called or authorized, the notice thereof given, and the names of those present at Directors' meetings.

Section 4.5. Treasurer. The person serving from time-to-time as the Treasurer of the Board of Directors shall serve as Treasurer of the Corporation. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Corporation, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Corporation with such depositories as are designated by the Board of Directors, and shall disburse the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the President or the Board of Directors, upon request, statements of the financial condition of the Corporation.

Section 4.6. Subordinate Officers. Subordinate officers shall perform such duties as shall be prescribed from time to time by the Board of Directors.

Section 4.7. Term of Office. The term of office of the President and Vice-President of the Corporation shall coincide with the term of office of the President and Vice-President of the Board of Directors of the Corporation. The term of office of the Secretary and Treasurer of the Corporation, respectively, shall coincide with the term of office of the Secretary and Treasurer of the Board of Directors respectively.

ARTICLE V **[DRAFT]**

Miscellaneous

Section 5.1. Execution of Documents. The Board of Directors may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or other person shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount. Said authority shall be granted by Resolution or Minute Order and shall appear in the minutes.

Section 5.2. Inspection of Bylaws. The Corporation shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public and the Directors at all reasonable times during office hours.

Section 5.3. Annual Report. The Corporation, having no members, hereby expressly dispenses with the annual report referred to in Section 6321 of the Law.

Section 5.4. Fiscal Year. The fiscal year of the Corporation shall begin July 1 of each year and end on the last day of June of the succeeding year, except the first fiscal year which shall run from the date of incorporation to June 30, 2009.

Section 5.5. Dissolution. In the event of dissolution of the Corporation in any manner and for any cause, after the payment or adequate provision for the payment of all of its debts and liabilities, all of the remaining funds, assets and properties of the Corporation shall be paid or distributed to a nonprofit fund, foundation, organization or corporation which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

Section 5.6. Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term "person" includes a corporation as well as a natural person.

ARTICLE VI **[DRAFT]**

Amendments

Section 6.1. Power of Directors. New Bylaws may be adopted or these Bylaws may be amended or repealed by an affirmative vote of a majority of the total number of the Board of Directors. The Bylaws shall be amended to remain consistent with with any organizational changes to the Porterville Airport Area Development Association, and/or Authority if and when a valid Joint Powers Agreement is executed. No amendment to these Bylaws shall be effective until approved by an affirmative majority vote of the Board of Directors as provided in these Bylaws.

CERTIFICATE OF SECRETARY

OF

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

I hereby certify that I am the duly elected and acting Secretary of said corporation and that the foregoing Bylaws, comprising 7 pages, constitute the Bylaws of said corporation as duly adopted at a meeting of the Board of Directors thereof held on _____, 2008.

, Secretary

RESOLUTION NO. 55-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE FORMATION OF THE PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION, A PUBLIC BENEFIT NONPROFIT CORPORATION ORGANIZED PURSUANT TO INTERNAL REVENUE CODE SECTION 501(c)(3), AUTHORIZING THE FILING OF THE ARTICLES OF INCORPORATION, AND APPROVING THE BYLAWS

WHEREAS, on November 19, 2002, the City of Porterville and the Tule River Indian Tribe formed the Southeastern Tulare County Intergovernmental Coordinating Committee ("STIG") to address joint opportunities and issues of concern for the parties;

WHEREAS, since this time the Committee has met regularly to discuss potential opportunities, and in particular have discussed the potential development of Tribe-owned property located within the City of Porterville and currently subject to a land fee-to-trust application pending before the Bureau of Indian Affairs;

WHEREAS, on January 30, 2008, the parties approved a Memorandum of Understanding Between the City of Porterville and the Tule River Indian Tribe to Advance Further Negotiations and the Performance of Governmental Processes;

WHEREAS, the parties have determined, that in order to assist the City and the Tribe with the administering of funding for STIG's objectives, and for the creation of economies and efficiencies of purpose, the formation of a California nonprofit, public benefit corporation would be beneficial;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS:

1. The City Council of the City of Porterville hereby approves the Articles of Incorporation of the Porterville Area Airport Development Corporation, attached hereto as Exhibit

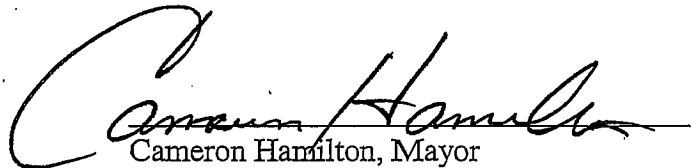
1f.

"A," authorizes the City-appointed STIG Committee members to execute the Articles as two of the four Incorporators, and authorizes the filing of said Articles, upon execution by the Tribe-appointed STIG members, with the appropriate authorities of the State of California.

2. The City Council hereby approves the draft Bylaws, attached as Exhibit "B," for consideration and approval by the Corporation at its first organizational meeting.

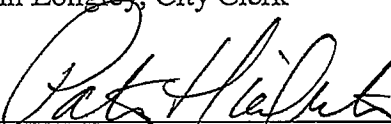
3. The City Council hereby authorizes the execution of any other documents, and authorizes any other actions necessary for the formation of the nonprofit corporation.

APPROVED AND ADOPTED this 24th day of June, 2008.


Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

ARTICLES OF INCORPORATION [DRAFT]
- OF THE -
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

ARTICLE I

The name of this corporation is: **Porterville Area Airport Development Corporation.**

ARTICLE II

A. This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

B. The specific purposes for which this corporation is organized include the following: to assist the City of Porterville (the "City"), and the Tule River Indian Tribe (the "Tribe") and potentially other public agencies with which the City and Tribe are engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvements for the use, benefit and enjoyment of the members of the public served by City, the Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Julia M. Lew
McCormick, Kabot, Jenner & Lew
1220 West Main Street
Visalia, CA 93291

EXHIBIT "A"

ARTICLE IV [DRAFT]

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, organization, corporation, or governmental entity which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

IN WITNESS WHEREOF, for the purposes of forming the corporation under the laws of the State of California, the undersigned has executed these Articles of Incorporation this ____ day of _____, 2008.

Incorporator

Incorporator

Incorporator

Incorporator

Bylaws [DRAFT 6/10/08]

- of the -

Porterville Area Airport Development Corporation

ARTICLE I

Name, Organization and Purpose, Principal Office

Section 1.1. Name. The name of this corporation is PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION (hereinafter referred to as the "Corporation").

Section 1.2. Organization, Purpose and Use of Funds. The Corporation is a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (the "Law") exclusively for the promotion of charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code (the "Code") and to assist the City of Porterville (the "City") and the Tule River Indian Tribe (the "Tribe"), and other public agencies in the State of California of which the City is a member or is otherwise engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvement for the use, benefit and enjoyment of the members of the public served by City, Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose. The activities of the Corporation shall be limited to the activities described in its Articles of Incorporation. No gains, profits or dividends shall be distributed to any of the Directors or officers of the Corporation; and no part of the net earnings, funds or assets of the Corporation shall inure to the benefit of any Director or any other person, firm or corporation excepting only the as described herein.

Section 1.3. Principal Office. The principal office of the Corporation is hereby fixed and located at 2780 West Yowlumne Avenue, Suite 2, Porterville, California 93257. The Board of Directors is hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary opposite this section, but shall not be considered an amendment to these Bylaws.

ARTICLE II [DRAFT]

No Members

Section 2.1. No Members. Pursuant to Section 5310 of the Law, the bylaws of a nonprofit corporation may provide that the corporation shall have no members. This Corporation shall have no members.

ARTICLE III

Directors

Section 3.1. Powers. Subject to limitation of the Articles of Incorporation, the Bylaws, and the Law, and subject to the duties of Directors as prescribed by the Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be controlled by, the Board of Directors. No Director shall be responsible for any error in judgment or for anything that such Director may do or refrain from doing in good faith. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

1. To select and remove all appointed officers, agents and employees of the Corporation, prescribe such powers and duties for such officers, agents and employees as may not be inconsistent with law or the Articles of Incorporation or Bylaws, fix their compensation and require from such officers, agents and employees security for faithful service;
2. To conduct, manage and control the affairs and business of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or Bylaws, as the Directors may deem best; and
3. To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the name of the Corporation or otherwise, promissory notes, bonds, certificates of participation, debentures, deeds of trust, mortgages, pledges, hypothecation or other evidences of debt and securities therefor.

Section 3.2. Number of Directors. The authorized number of Directors shall be five until changed by amendment of the Articles of Incorporation or by amendment of the Bylaws.

Section 3.3. Selection and Term of Office. The initial Directors of the Corporation shall include four (4) incorporators, two (2) of whom are designated by the Porterville City Council and whom are current Porterville City Council Members (hereinafter referred to as "City - Appointed Directors") and two (2) of whom are designated by the Tule River Tribal Council and are current or prior Tule River Tribal Council Members (hereinafter referred to as "Tribe – Appointed Directors"). The four initial directors shall appoint, by unanimous vote of those present, one additional director, who shall be a resident of Tulare County (hereinafter referred to as the "Board - Appointed Director"). This director may be the same individual appointed to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association by the four members of that organization. Except as hereinafter provided and in accordance with Section 5220(d) of the law, each City and Tribe Appointed Director shall hold office until removed by its respective legislative body. The Board-Appointed Director shall hold office for a term of one year, but said term may run consistent and in conjunction with his/her term as a member of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

Section 3.4. Vacancies. Subject to the provisions of Section 5224 of the Law, any Director may resign effective upon giving written notice to the President or the Secretary, unless the notice specifies a later time for the effectiveness of such resignation. No such resignation shall be effective, however, unless and until such Director shall have resigned from the Board of Directors of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

A vacancy or vacancies on the Board of Directors shall be deemed to exist upon the expiration of a Director's term, if the authorized number of Directors comprising the Board of Directors of the District is increased, or upon the events specified in Government Code § 1770 including but not limited to the death, or resignation, on the Board of Directors of the District.

City-Appointed Director vacancies on the Board of Directors shall be filled by the Porterville City Council. Tribal-Appointed vacancies on the Board of Directors shall be filled by the Tule River Tribal Council. A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors, by a unanimous vote of the Directors present.

Section 3.5. Organization and Annual/Quarterly Meetings. The Board of Directors shall hold at least one annual meeting for the purpose of organization and the transaction of business of the corporation. The Board of Directors shall appoint, from it's own body, a President, Vice-President, Secretary, and Treasurer, and these officers shall serve as

specified in Article IV. Subject to Section 3.11 hereof, quarterly meetings of the Board of Directors shall be held on the first _____ in the month of _____, but in no case held later than June 1 of each year.

Section 3.6. Regular Meetings. The Board of Directors by resolution may provide for the holding of regular meetings and may fix the time and place of holding such meetings.

Section 3.7. Special Meetings; Notice Waiver. A special meeting of the Board of Directors shall be held whenever called in accordance with the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California and Section 5211(a)(2) of the Law and Section 3.11 hereof.

Section 3.8. Adjourned Meetings; Notice of Adjournment. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a majority may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section 3.8, the resulting adjourned regular meeting is a regular meeting for all purposes.

Section 3.9. Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.

Section 3.10. Fees and Compensation. Directors shall receive no compensation or expenses from the Corporation for services as Directors of the Corporation.

Section 3.11. Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings of the Board of Directors shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.

Section 3.12. Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairman chosen by a majority of the Directors present, shall preside at meetings of the Board of Directors.

ARTICLE IV **[DRAFT]**

Officers

Section 4.1. Officers. The officers of the Corporation shall include a President, a Vice President, a Secretary and a Treasurer, all of whom shall be appointed from the Board of Directors. The Corporation may also have, at the discretion of the Board of Directors, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be appointed by the Board of Directors and are not members of the Board of Directors. One person may hold two or more offices, except that the offices of President and Secretary or President and Treasurer may not be combined.

Section 4.2. President. The person serving from time-to-time as the President of the Board of Directors of the Corporation shall serve as the President of the Corporation. The President shall preside at all meetings of the Board of Directors.

Section 4.3. Vice-President. The person serving from time-to-time as Vice President of the Board of Directors shall serve as Vice-President of the Corporation. The Vice-President shall preside at meetings of the Board of Directors in the event that the President is unable to do so.

Section 4.4. Secretary. The person serving from time-to-time as Secretary of the Board of Directors shall serve as Secretary of the Corporation. The Secretary shall keep at the principal office of the Corporation a book of minutes of all meetings of Directors, with the time and place of holding, how called or authorized, the notice thereof given, and the names of those present at Directors' meetings.

Section 4.5. Treasurer. The person serving from time-to-time as the Treasurer of the Board of Directors shall serve as Treasurer of the Corporation. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Corporation, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Corporation with such depositories as are designated by the Board of Directors, and shall disburse the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the President or the Board of Directors, upon request, statements of the financial condition of the Corporation.

Section 4.6. Subordinate Officers. Subordinate officers shall perform such duties as shall be prescribed from time to time by the Board of Directors.

Section 4.7. Term of Office. The term of office of the President and Vice-President of the Corporation shall coincide with the term of office of the President and Vice-President of the Board of Directors of the Corporation. The term of office of the Secretary and Treasurer of the Corporation, respectively, shall coincide with the term of office of the Secretary and Treasurer of the Board of Directors respectively.

ARTICLE V **[DRAFT]**

Miscellaneous

Section 5.1. Execution of Documents. The Board of Directors may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or other person shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount. Said authority shall be granted by Resolution or Minute Order and shall appear in the minutes.

Section 5.2. Inspection of Bylaws. The Corporation shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public and the Directors at all reasonable times during office hours.

Section 5.3. Annual Report. The Corporation, having no members, hereby expressly dispenses with the annual report referred to in Section 6321 of the Law.

Section 5.4. Fiscal Year. The fiscal year of the Corporation shall begin July 1 of each year and end on the last day of June of the succeeding year, except the first fiscal year which shall run from the date of incorporation to June 30, 2009.

Section 5.5. Dissolution. In the event of dissolution of the Corporation in any manner and for any cause, after the payment or adequate provision for the payment of all of its debts and liabilities, all of the remaining funds, assets and properties of the Corporation shall be paid or distributed to a nonprofit fund, foundation, organization or corporation which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

Section 5.6. Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term "person" includes a corporation as well as a natural person.

ARTICLE VI **[DRAFT]**

Amendments

Section 6.1. Power of Directors. New Bylaws may be adopted or these Bylaws may be amended or repealed by an affirmative vote of a majority of the total number of the Board of Directors. The Bylaws shall be amended to remain consistent with any organizational changes to the Porterville Airport Area Development Association, and/or Authority if and when a valid Joint Powers Agreement is executed. No amendment to these Bylaws shall be effective until approved by ~~an affirmative majority~~ **a four-fifths** vote of the Board of Directors as provided in these Bylaws.

CERTIFICATE OF SECRETARY

OF

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

I hereby certify that I am the duly elected and acting Secretary of said corporation and that the foregoing Bylaws, comprising 7 pages, constitute the Bylaws of said corporation as duly adopted at a meeting of the Board of Directors thereof held on _____, 2008.

, Secretary

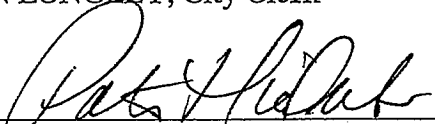
STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 24th day of June, 2008.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES:	X	X		X	X
NOES:					
ABSTAIN:			X		
ABSENT:					

JOHN LONGLEY, City Clerk


 By: Patrice Hildreth, Chief Deputy City Clerk

3170737

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

**ARTICLES OF INCORPORATION
OF THE
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION**

SEP 26 2008

ARTICLE I

The name of this corporation is: **Porterville Area Airport Development Corporation.**

ARTICLE II

A. This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

B. The specific purposes for which this corporation is organized include the following: to assist the City of Porterville (the "City"), and the Tule River Indian Tribe (the "Tribe") and potentially other public agencies with which the City and Tribe are engaged, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvements for the use, benefit and enjoyment of the members of the public served by City, the Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose.

ARTICLE III

The name and address in the State of California of this corporation's initial agent for service of process is:

Julia M. Lew
McCormick, Kabot, Jenner & Lew
1220 West Main Street
Visalia, CA 93291

ARTICLE IV

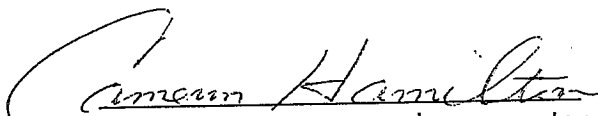
A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

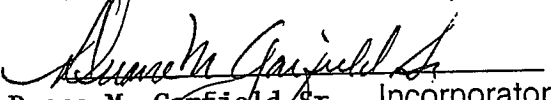
B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.


ARTICLE V

The property of this corporation is irrevocably dedicated to **charitable** purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, organization, corporation, or governmental entity which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

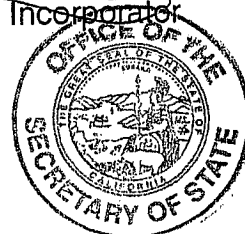
IN WITNESS WHEREOF, for the purposes of forming the corporation under the laws of the State of California, the undersigned has executed these Articles of Incorporation this 14th day of August, 2008.


Campton Hamilton, Incorporator


Duane M. Garfield Sr., Incorporator


Vernon Vera, Incorporator


Pedro R. Martinez, Incorporator



BYLAWS
of the
PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

ARTICLE I

Name, Organization and Purpose, Principal Office

Section 1.1. Name. The name of this corporation is PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION (hereinafter referred to as the "Corporation").

Section 1.2. Organization, Purpose and Use of Funds. The Corporation is a nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law of the State of California (the "Law") exclusively for the promotion of charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code (the "Code") and to assist the City of Porterville (the "City") and the Tule River Indian Tribe (the "Tribe"), and other public agencies in the State of California of which the City is a member or is otherwise engaged with, in connection with the financing, acquiring, studying, planning, leasing, constructing, developing and/or improving of land, equipment, facilities, public works projects or any other public improvement for the use, benefit and enjoyment of the members of the public served by City, Tribe and such agencies, any other public purpose incidental thereto, the administering of funds for these objectives, and to create economies and efficiencies of purpose. The activities of the Corporation shall be limited to the activities described in its Articles of Incorporation. No gains, profits or dividends shall be distributed to any of the Directors or officers of the Corporation; and no part of the net earnings, funds or assets of the Corporation shall inure to the benefit of any Director or any other person, firm or corporation excepting only the as described herein.

Section 1.3. Principal Office. The principal office of the Corporation is hereby fixed and located at 2780 West Yowlumne Avenue, Suite 2, Porterville, California 93257. The Board of Directors is hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary opposite this section, but shall not be considered an amendment to these Bylaws.

ARTICLE II

No Members

Section 2.1. No Members. Pursuant to Section 5310 of the Law, the bylaws of a nonprofit corporation may provide that the corporation shall have no members. This Corporation shall have no members.

ARTICLE III

Directors

Section 3.1. Powers. Subject to limitation of the Articles of Incorporation, the Bylaws, and the Law, and subject to the duties of Directors as prescribed by the Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be controlled by, the Board of Directors. No Director shall be responsible for any error in judgment or for anything that such Director may do or refrain from doing in good faith. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Directors shall have the following powers, to wit:

1. To select and remove all appointed officers, agents and employees of the Corporation, prescribe such powers and duties for such officers, agents and employees as may not be inconsistent with law or the Articles of Incorporation or Bylaws, fix their compensation and require from such officers, agents and employees security for faithful service;
2. To conduct, manage and control the affairs and business of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or Bylaws, as the Directors may deem best; and
3. To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the name of the Corporation or otherwise, promissory notes, bonds, certificates of participation, debentures, deeds of trust, mortgages, pledges, hypothecation or other evidences of debt and securities therefor.

Section 3.2. Number of Directors. The authorized number of Directors shall be five until changed by amendment of the Articles of Incorporation or by amendment of the Bylaws.

Section 3.3. Selection and Term of Office. The initial Directors of the Corporation shall include four (4) incorporators, two (2) of whom are designated by the Porterville City Council and whom are current Porterville City Council Members (hereinafter referred to as "City - Appointed Directors") and two (2) of whom are designated by the Tule River Tribal Council and are current or prior Tule River Tribal Council Members (hereinafter referred to as "Tribe – Appointed Directors"). The four initial directors shall appoint, by unanimous vote of those present, one additional director, who shall be a resident of Tulare County (hereinafter referred to as the "Board - Appointed Director"). This director may be the same individual appointed to the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association by the four members of that organization. Except as hereinafter provided and in accordance with Section 5220(d) of the law, each City and Tribe Appointed Director shall hold office until removed by its respective legislative body. The Board-Appointed Director shall hold office for a term of one year, but said term may run consistent and in conjunction with his/her term as a member of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

Section 3.4. Vacancies. Subject to the provisions of Section 5224 of the Law, any Director may resign effective upon giving written notice to the President or the Secretary, unless the notice specifies a later time for the effectiveness of such resignation. No such resignation shall be effective, however, unless and until such Director shall have resigned from the Board of Directors of the Southeastern Tulare County Intergovernmental Coordinating Committee/Porterville Airport Area Association.

A vacancy or vacancies on the Board of Directors shall be deemed to exist upon the expiration of a Director's term, if the authorized number of Directors comprising the Board of Directors of the District is increased, or upon the events specified in Government Code § 1770 including but not limited to the death, or resignation, on the Board of Directors of the District.

City-Appointed Director vacancies on the Board of Directors shall be filled by the Porterville City Council. Tribal-Appointed vacancies on the Board of Directors shall be filled by the Tule River Tribal Council. A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors, by a unanimous vote of the Directors present.

Section 3.5. Organization and Annual/Quarterly Meetings. The Board of Directors shall hold at least one annual meeting for the purpose of organization and the transaction of business of the corporation. The Board of Directors shall appoint, from it's own body, a President, Vice-President, Secretary, and Treasurer, and these officers shall serve as

specified in Article IV. Subject to Section 3.11 hereof, quarterly meetings of the Board of Directors shall be held on the first _____ in the month of _____, but in no case held later than June 1 of each year.

Section 3.6. Regular Meetings. The Board of Directors by resolution may provide for the holding of regular meetings and may fix the time and place of holding such meetings.

Section 3.7. Special Meetings; Notice Waiver. A special meeting of the Board of Directors shall be held whenever called in accordance with the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California and Section 5211(a)(2) of the Law and Section 3.11 hereof.

Section 3.8. Adjourned Meetings; Notice of Adjournment. The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a majority may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section 3.8, the resulting adjourned regular meeting is a regular meeting for all purposes.

Section 3.9. Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.

Section 3.10. Fees and Compensation. Directors shall receive no compensation or expenses from the Corporation for services as Directors of the Corporation.

Section 3.11. Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings of the Board of Directors shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.

Section 3.12. Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairman chosen by a majority of the Directors present, shall preside at meetings of the Board of Directors.

ARTICLE IV

Officers

Section 4.1. Officers. The officers of the Corporation shall include a President, a Vice President, a Secretary and a Treasurer, all of whom shall be appointed from the Board of Directors. The Corporation may also have, at the discretion of the Board of Directors, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as may be appointed by the Board of Directors and are not members of the Board of Directors. One person may hold two or more offices, except that the offices of President and Secretary or President and Treasurer may not be combined.

Section 4.2. President. The person serving from time-to-time as the President of the Board of Directors of the Corporation shall serve as the President of the Corporation. The President shall preside at all meetings of the Board of Directors.

Section 4.3. Vice-President. The person serving from time-to-time as Vice President of the Board of Directors shall serve as Vice-President of the Corporation. The Vice-President shall preside at meetings of the Board of Directors in the event that the President is unable to do so.

Section 4.4. Secretary. The person serving from time-to-time as Secretary of the Board of Directors shall serve as Secretary of the Corporation. The Secretary shall keep at the principal office of the Corporation a book of minutes of all meetings of Directors, with the time and place of holding, how called or authorized, the notice thereof given, and the names of those present at Directors' meetings.

Section 4.5. Treasurer. The person serving from time-to-time as the Treasurer of the Board of Directors shall serve as Treasurer of the Corporation. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Corporation, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Corporation with such depositories as are designated by the Board of Directors, and shall disburse the funds of the Corporation as may be ordered by the Board of Directors, and shall render to the President or the Board of Directors, upon request, statements of the financial condition of the Corporation.

Section 4.6. Subordinate Officers. Subordinate officers shall perform such duties as shall be prescribed from time to time by the Board of Directors.

Section 4.7. Term of Office. The term of office of the President and Vice-President of the Corporation shall coincide with the term of office of the President and Vice-President of the Board of Directors of the Corporation. The term of office of the Secretary and Treasurer of the Corporation, respectively, shall coincide with the term of office of the Secretary and Treasurer of the Board of Directors respectively.

ARTICLE V

Miscellaneous

Section 5.1. Execution of Documents. The Board of Directors may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Corporation and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or other person shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount. Said authority shall be granted by Resolution or Minute Order and shall appear in the minutes.

Section 5.2. Inspection of Bylaws. The Corporation shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public and the Directors at all reasonable times during office hours.

Section 5.3. Annual Report. The Corporation, having no members, hereby expressly dispenses with the annual report referred to in Section 6321 of the Law.

Section 5.4. Fiscal Year. The fiscal year of the Corporation shall begin July 1 of each year and end on the last day of June of the succeeding year, except the first fiscal year which shall run from the date of incorporation to June 30, 2009.

Section 5.5. Dissolution. In the event of dissolution of the Corporation in any manner and for any cause, after the payment or adequate provision for the payment of all of its debts and liabilities, all of the remaining funds, assets and properties of the Corporation shall be paid or distributed to a nonprofit fund, foundation, organization or corporation which is organized and operated exclusively for charitable or public purposes and which has established its tax exempt status.

Section 5.6. Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term "person" includes a corporation as well as a natural person.

ARTICLE VI

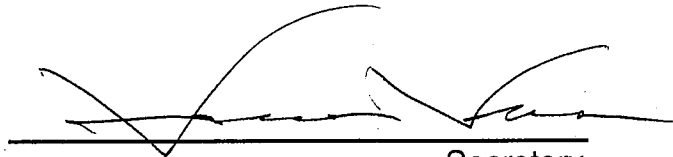
Amendments

Section 6.1. Power of Directors. New Bylaws may be adopted or these Bylaws may be amended or repealed by an affirmative vote of a four-fifths majority of the total number of the Board of Directors. The Bylaws shall be amended to remain consistent with any organizational changes to the Porterville Airport Area Development Association, and/or Authority if and when a valid Joint Powers Agreement is executed. No amendment to these Bylaws shall be effective until approved by an affirmative four-fifths majority vote of the Board of Directors as provided in these Bylaws.

**CERTIFICATE OF SECRETARY
OF**

PORTERVILLE AREA AIRPORT DEVELOPMENT CORPORATION

I hereby certify that I am the duly elected and acting Secretary of said corporation and that the foregoing Bylaws, comprising 8 pages, constitute the Bylaws of said corporation as duly adopted at a meeting of the Board of Directors thereof held on the 30th day of September, 2008.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

, Secretary

**CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
AUGUST 19, 2008, 6:00 P.M.**

Call to Order
Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter scheduled for Closed Session.

CLOSED SESSION:

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-130-001, 302-110-054 and 253-160-032. Agency Negotiator: John Longley, Brad Dunlap, and John Lollis. Negotiating Parties: City of Porterville and Porterville Fair Board. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-130-001 and 253-160-032. Agency Negotiator: John Longley, Brad Dunlap, and John Lollis. Negotiating Parties: City of Porterville and State of California. Under Negotiation: Terms and Price.

3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 302-390-004. Agency Negotiator: Brad Dunlap. Negotiating Parties: City of Porterville and Blair Electric. Under Negotiation: Terms and Price.

4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

5- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward

Invocation

PRESENTATIONS

Featured Project of the Month

Outstanding Business

Library Services

Introduction of New City Employees

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. Approval of City Council Minutes of December 18, 2007 and January 15, 2008

4a

2. Claim – Daniel Ceballos
Re: Considering rejection of a claim in an amount of \$422.67 for rim and tire damages that the claimants alleges were sustained when he struck a pot hole while driving on Third Street in front of American Carwash on July 21, 2008.
3. Authorization to Advertise for Bids – Transit Maintenance & CNG Fueling Facility Project
Re: Considering approval of staff's recommended plans and project manual for the construction of a public access compressed natural gas fueling facility and transit maintenance facility improvements at the City Corporation Yard at 555 N. Prospect.
4. Acceptance of Project - Newcomb Street Shoulder Stabilization Project
Re: Accepting project as complete from Halopoff & Sons, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of new curbs, gutters and sidewalk along Newcomb Street between Olive Avenue and Morton Avenue.
5. Acceptance of Project – Police Department Sprayed Polyurethane Roofing Project
Re: Accepting project as complete from George Roofing, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of a sprayed polyurethane foam roofing system and related appurtenances at the Porterville Police Department.
6. Reimbursement for the Construction of Master Plan Improvements – Sunrise Villa, Phase Two & Three Subdivision (Gary Smee)
Re: Considering acceptance of the Master Plan public improvements of Sunrise Villa, Phase Two & Three Subdivision for maintenance, and authorizing reimbursement to Mr. Gary Smee in the amount of \$345,148.60 pursuant to Porterville Municipal Code Sections 25-32.3c and 25-45.1c.
7. Amendment to Heritage Ballfields Phase 1 Parking Lot Project
Re: Considering approval of a budget adjustment to reallocate the Section 108 funds for the installation of landscaping and irrigation at the entry of the Heritage Center and the installation of artificial turf in the common area of the Heritage Center/Santa Fe Elementary School complex in an amount not to exceed \$145,000.
8. City of Porterville Conflict of Interest Code – Biennial Report and Amendment
Re: Acceptance of the Conflicts and Disclosure Monitor Agency 2008 Biennial Report as required by Government Code Section 87306.5.
9. Proposed Changes in the Table of Organization Within the Parks & Leisure Services and Police Departments
Re: Considering approval of changes in the Table of Organization within both the Parks and Leisure Services Department and the Police Department, and amending the Position Allocation Schedule of the City's Employee Pay and Benefit Plan.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

10. Request for a Conditional Use Permit 7-2008 to Allow a Type 20, Beer and Wine Off-Sale License and a Letter of Public Convenience or Necessity in Conjunction with the Mini-Mart and Gasoline Pumps, Located at 244 North "D" Street (Chevron Food Mart)

Re: Consideration of a Conditional Use Permit to allow off-sale of beer and wine at Chevron Food Mart on North "D" Street.

SECOND READINGS

11. Ordinance 1745, Downtown "D" Overlay Zone
Re: Second reading of Ordinance No. 1745, an Ordinance of the City Council of the City of Porterville Pursuant to Article 27 of the Porterville Zoning Ordinance Approving Zone Change Amendment 2-2008 to Establish a "D" Overlay Zone to the Properties Located in Downtown Porterville, Between Morton and Olive Avenues and Second and Hockett Streets.
12. Ordinance 1746, Designating Transit Parking in Hockett/Oak Lot
Re: Second reading of Ordinance No. 1746, an Ordinance of the City Council of the City of Porterville Amending a Section of Chapter 17, Article XI – Stopping, Standing or Parking Restricted or Prohibited on Certain Streets and Public Parking Lot.

SCHEDULED MATTERS

13. Council Support of an Amendment to Measure R to Fund the Preservation of Railroad Rights-of-Way and Related Infrastructure
Re: Considering adoption of a resolution to indicate support of using Measure R funds to preserve existing rail lines serving the east side of the Valley within Tulare County.
14. City Webpage Re-Design
Re: Update on staff's efforts to date on the redesign of the City's webpage, and the designation of two Council Members to serve on the ad hoc Webpage Design Committee.
15. Consideration of Legislative Issues: 2008-09 State Budget; AB 1884; Proposition 7 (2008)
Re: Considering approval of letter to legislators urging the balancing of the State budget without local government funds; a letter to Governor Schwarzenegger requesting his signature of AB 1884; and opposition to Proposition 7.
16. Request to Consider Mobile Computer Lab
Re: Consideration of a request to discuss the development of a mobile computer laboratory.

Adjourn to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

August 19, 2008

Roll Call: Agency Members/Chairperson

ORAL COMMUNICATIONS

SCHEDULED MATTER

- PRA-1. Amending Resolution Numbers 2008-05 and 2008-06 Adopted on July 15, 2008, Approving the Issuance and Sale of Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds
Re: Considering the adoption of resolutions amending Porterville Redevelopment Resolution Nos. 2008-05 and 2008-06 to provide for increased bond parameters.

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of September 2, 2008 at 6:00 p.m.

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.

COUNCIL AGENDA: August 19, 2008

SUBJECT: Consideration of Legislative Issues: 2008-09 State Budget; AB 1884; Proposition 7 (2008)

SOURCE: City Manager

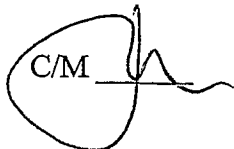
COMMENT: Several legislatively related issues are presented to the Council for consideration:

1. **STATE BUDGET LETTER:** This year's State Budget has proven to be very difficult. The issues include spending caps, new taxes and program impacts. It appears at this point that booking fees will be lost. There are several calculations, but worse case scenario is about \$150,000. In addition, the City will have to pay additional criminal lab fees in an estimated amount of \$140,000. Both of these issues will add to the non-structural \$500,000 deficit in the adopted budget. Though these matters are troubling, they are "workable" and pale against the potential "borrowing" by the State of some \$1,200,000 in ERAF property tax and Proposition 42 and Redevelopment monies. The attached letter is provided to emphasize the City's interest in borrowing against the local monies.

2. **AB 1884 LETTER:** The Assembly has concurred in AB 1884, which would permit PAADA to be established under State Law. The next step is to obtain a signature from the Governor and the attached letter states the City's position regarding the legislation. A troubling aspect of the matter is that there were about 20 votes during concurrence. In the past the Governor has vetoed JPAs between local governments and tribes. AB 1884 was specifically drafted to address the avowed basis of past vetoes.

3. **RECOMMENDATION ON PROPOSITION 7:** California Proposition 7 has become a controversial measure with the voters. If the measure were approved, it would require California utilities to procure half of their power from renewable resources by 2025. Also, California utilities would have to increase their purchase of electricity generated from renewable resources by 2% annually to meet the standard. The obvious benefit of the measure is to base State energy on renewable resources, moving away from limited resources such as imported oil. The downside is outlined as how the measure is drafted, opening the door to many potential adverse, unanticipated consequences. Attached for the Council's review is the ballotpedia presentation on Proposition 7. The League of California Cities has recommended a NO vote.

- RECOMMENDATION:**
- (1) Authorize the letter to be sent to the BIG 5 and our legislators regarding the State Budget.
 - (2) Authorize the letter to be sent to the Governor regarding AB 1884.
 - (3) Consistent with the League of Cities, recommend a NO vote on Proposition 7.

C/M 

Item No. 15

8/12/08 Porterville 2008
Draft Budget Letter

August 13, 2009

Senator/ Assembly Member
California State Senate/Assembly
Sacramento, CA 95814

Re: 2008-09 State Budget.

Dear Senator/Assembly Member:

This letter is written to you on behalf of the City of Porterville seeking your commitment to solve the State's fiscal crisis without diverting our local government revenues and transportation money to balance the State budget.

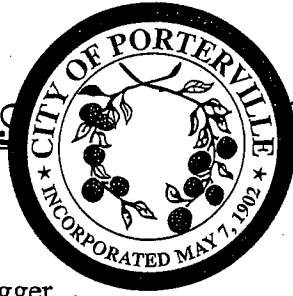
The Porterville City Council has had to make tough choices to balance our City budget in a declining economic environment. We had to make expenditure cuts in our City functional areas. The City Council has had to make difficult decisions to help cover the higher costs for municipal purchases as well as to pay for the costs of new State mandates. Any State take-a-away of local government revenues and transportation money would create financial distress for the City of Porterville.

We urge you to balance the State budget aligning available State revenues with needed basic State expenditures and NOT use the funds from cities for another temporary fix to avoid addressing the State's core fiscal problems.

We look forward to the passing of the State budget that is suitable to both our needs. Please feel free to call us if you have questions or concerns.

Thank you.

Cameron Hamilton
Mayor



August 19, 2008

Governor Arnold Schwarzenegger
Attention: Legislative Unit
State Capitol Building
Sacramento, CA 95814

Re: AB 1884 (Maze) – SIGNATURE REQUESTED

Dear Governor:

I write on behalf of the City of Porterville to request that AB 1884 (Maze) be signed into law.

AB 1884 is sponsored by the City of Porterville and the Tule River Tribal Council. This bill permits the Tule River Tribal Council to enter into a joint powers agreement with the City of Porterville.


The sole intent of this bill is to allow for the collaborative effort between the City of Porterville and the Tule River Tribe in a Redevelopment Project of lands near the Porterville Airport and the creation of the Porterville Area Airport Development Authority (PAADA). The project calls for the redevelopment of approximately 200 acres, 40 of which are tribal owned lands, from industrial to commercial. This bill is required so both Tribal and City government can exercise government responsibilities within the 'Economic Development Zone' that will be PAADA. This bill will also allow BOTH Tribal and City government resources to come to bear in the form of financing, special grants, and set asides for the development and operation of the project.

AB 1884 has been carefully drafted to provide specificity and avoid ambiguous language. The purpose of the JPA is clearly stated and limited. The power of eminent domain is explicitly denied to the Tule River Tribal Council. In addition, bonding authority is strictly limited. The authorization for the JPA will expire 30 years from the enactment of the bill.

For these reasons, we respectfully request that you sign AB 1884 by Assembly Member Bill Maze.

Thank you for your consideration of our comments.

Sincerely,


Cameron J. Hamilton, Mayor
City of Porterville

City Manager's Office
291 North Main Street Porterville, California 93257
(559) 782-7466 Fax (661) 362-4008 Email: mgr-Office@ci.porterville.ca.us

California Proposition 7 (2008)

From Ballotpedia

California Proposition 7, would, if approved, require California utilities to procure half of their power from renewable resources by 2025. In order to make that goal, levels of production of solar, wind and other renewable energy resources will more than quadruple from their current output of 10.9%.^[1] It will also require California utilities to increase their purchase of electricity generated from renewable resources by 2% annually to meet Renewable Portfolio Standard (RPS)^[2] requirements of 40% in 2020 and 50% in 2025. Current law AB32 requires an RPS of 20% by 2010.

The 42 page measure is an initiated state statute that has qualified for the November 2008 ballot in California.^[3] The petition drive to qualify the measure for the ballot was conducted by Progressive Campaigns, Inc. at a cost of \$1.367 million.^[4]

Perhaps to distinguish it from Proposition 10, which also is about alternative fuels, some California pundits are starting to refer to Prop. 7 as **Big Solar** and Prop. 10 as **Big Wind**.^[5]

Provisions in the initiative

- All electric utilities (including municipally-owned utilities) will be required to provide half of their electricity from solar and clean energy facilities by 2025. This requirement doubles what utilities will be required to do by 2025 under the Renewable Portfolio Standard. That law requires the state's energy mix to be 20 percent renewable by 2010. California utilities are currently at a mix of 10.9% renewable.
- The California Energy Commission will be required to identify solar and clean energy zones, primarily in the desert, to jump-start clean power plants.
- Renewable plant construction permits would be fast-tracked for approval by the California Energy Commission once all environmental reviews are in place. Fast-tracking would limit the period for local comments and participation to 100 days. Compliance with the California Environmental Quality Act, and the Desert Protection Act are necessary for approval.
- Penalties levied on utilities for specific acts of non-compliance would be reduced from 5% to 1%, but the total cap on fines that can be imposed on a utility would be eliminated thus effectively increasing the total incurred financial penalties.
- The California Energy Commission (CEC) will have the authority and responsibility to allocate funds from these penalties into the construction and implementation of new and existing transmission lines to provide access for renewable energy to the grid.
- Utilities will be prohibited from passing along penalties to their electric rate-payers.
- Guarantees capping price impacts on consumer's electricity bills at less than 3 percent with studies indicating long term trends of costs will decline.

Contents

- 1 Provisions in the initiative
 - 1.1 Estimated fiscal impact
- 2 Supporters
 - 2.1 Donors who support Prop. 7
- 3 The opposition campaign
 - 3.1 Arguments made against Prop. 7
 - 3.2 Donors who oppose Prop. 7
 - 3.3 Campaign consultants
- 4 Polling information
- 5 Lawsuits over ballot language
- 6 External links
- 7 References
- 8 Additional reading

- Renewable energy sources will be defined and recognized as solar thermal, photovoltaic, wind, geothermal, small hydro, biomass, and tidal.
- Utilities entering into contracts with alternative fuel providers will be required to sign 20-year contracts, the standard contract for traditional fossil fuel and nuclear providers.
- Create production incentives for the development and construction of solar and clean energy plants and related transmission facilities.

Estimated fiscal impact

The California Legislative Analyst's Office, the nonpartisan state agency charged with providing a neutral estimate about the fiscal impact on the state of ballot initiatives and state legislative bills, has arrived at the following summary of Prop. 7's estimated costs:

- State administrative costs of up to \$3.4 million annually for the regulatory activities of the Energy Resources Conservation and Development Commission and the California Public Utilities Commission, paid for by fee revenues. The total cost to taxpayers of Proposition 7, using 2007-2008 state budget for comparison, would be 0.00002% of the state budget.
- Potential, unknown increased costs and reduced revenues, particularly in the short term, to state and local governments resulting from the measure's potential to increase retail electricity rates, with possible offsetting cost savings and revenue increases, to an unknown degree, over the long term to the extent the measure hastens renewable energy development.

Supporters

The official committee supporting Prop 7 is called **Californians for Solar and Clean Energy**.

The primary financial backer of the initiative is Peter Sperling. Peter Sperling has been a member of the board of directors of the Apollo group since 1997, but has been part of the Apollo group since 1983. Sperling was involved with the effort to protect the Santa Barbara grasslands in the city of Goleta, located on Elwood Mesa.

Jim Gonzalez, a former San Francisco supervisor, is the initiative's chief spokesperson. Gonzalez says of Prop. 7, "It's OK to pat yourself on the back for buying a twisty bulb or hybrid car, but wouldn't it be better to go out and vote for something that's going to reduce tons of emissions?"^[5]

Notable supporters of Proposition 7 include:

- Neil Eisenberg - Chairman of the Board, The Oceanic Society*
- James Gollin - Chair, Board of Directors, Rainforest Action Network
- Senator Martha Escutia (ret.) - Former Chair of the State Senate Energy Committee
- Randall Hayes - environmental activist
- Dolores Huerta - Co-Founder of the United Farmworkers Union*
- Gordon Roddick - Environmental Activist and Co-Founder, The Body Shop*
- Christine Pelosi - Former Executive Director, California Democratic Party^[6]

Donors who support Prop. 7

As of July 15, two donors have contributed \$5,000 or more to support Prop. 7. They are:

- Peter Sperling. \$3,000,000.
- Jim Gonzalez & Associates. \$100,000.^[7]

The opposition campaign

The formal group opposing Prop. 7 is called **Californians Against Another Costly Energy Scheme**. The coalition includes the California Democratic Party, the California Republican Party, AFSCME, the League of California Cities and the California League of Conservation Voters.

See also: List of Proposition 7 opponents.

Arguments made against Prop. 7

Arguments that have been made against Proposition 7 include:

- It could "slam the brakes on renewable energy development in the state."^[8]
- The measure is "poorly written and so complicated that it could hurt the cause of renewable energy in the state."^[9]
- Ralph Cavanaugh of the Natural Resources Defense Council told the Los Angeles Times that the "initiative was put together by people who didn't know what they were doing." As a result, he says, it "opens the way for many unintended consequences".^[9]
- It's too complicated. Cavanaugh says, "If you're going to legislate at the ballot box, keep it simple, don't write 70 pages. Our objection isn't to their good intentions, but to their bad initiative."^[9]

Donors who oppose Prop. 7

As of August 2, three donors are listed as having given \$5,000 or more to defeat this initiative. They are:

- PG&E, \$12,895,250.
- Edison, \$10,720,250.
- Sempra, \$104,000.^[10],^[5],^[11]

Campaign consultants

The opposition coalition as of July 14, 2008 had paid about \$175,000 to the campaign consulting firm of Townsend, Raimundo, Besler & Usher.^[12]

Polling information

A poll released on July 22, 2008 by Field Poll showed Proposition 7 with 63% support and 24% opposition. 82% of those surveyed had no initial awareness of Proposition 7.^[13]

Month of Poll	In Favor	Opposed	Undecided
July 2008	63 percent	24 percent	13 percent

Lawsuits over ballot language

Supporters and opponents of Proposition 7 filed lawsuits in Sacramento Superior Court regarding the wording of ballot arguments that voters will see in the official voter's guide.

The lawsuit filed by proponents of Prop. 7 claimed that the opposition's ballot arguments contained "false or misleading statements" that should be deleted. Opponents to Prop. 7 responded by filing a counter suit claiming a similar argument.

The lawsuit filed by opponents of Prop. 7 argued that Proposition 7 would have "serious, negative unintended consequences" that are not adequately captured in the voter's guide. They particularly wanted a judge to delete three statements in the voter's guide, including statements by proponents that:

- Prop 7 will help create over 370,000 new prevailing wage jobs
- Prop 7 prohibits the utilities from passing on their penalty costs to consumers if they fail to meet renewable energy standards
- Prop 7 is guaranteed to never add more than 3% per year to consumer electricity bills.

However, on Thursday, August 7th, Sacramento Superior Court Judge Michael Kenny upheld both proponents and opponents arguments, essentially ruling both arguments were correct and effectively prohibiting either one from printing "false or misleading statements". [14]

Speaking for opponents, Sue Kateley, Executive Director of the California Solar Energy Industries Association, said, "After carefully reviewing the facts and both sides' extensive legal filings, the judge upheld our argument that Proposition 7 contains language that could devastate small renewable energy providers in California and force them out of the market. Prop. 7 would exclude renewable power facilities smaller than 30 megawatts from counting toward the measure's new requirements. This would likely drive California's small solar, wind and renewable power providers out of business, eliminating a major source of clean energy and thousands of jobs."

Speaking for proponents, Jim Gonzalez, former San Francisco County Supervisor, said, "We applaud the Court's decision upholding the Yes on 7 ballot arguments without any changes. This will make clear that Prop. 7 is about fighting global warming and achieving energy independence. The Court's decision clarifies the real choices for solar and clean energy facing California voters on November 4th."^[15] He also noted the court found that Prop. 7's text supports a conclusion that the new law will not have any impact on the market for small renewable energy companies.

External links

- Solar and Clean Energy (<http://www.solarandcleanenergy.org/>), website of supporters.
- No on Prop 7 (<http://www.noprop7.com/>), website of opponents.
- Solar & Clean Energy Initiative campaign committee (<http://cal-access.sos.ca.gov/Campaign/Committees/Detail.aspx?id=1302703&view=general>) Details of income and expenditures
- Text of initiative (http://ag.ca.gov/cms_pdfs/initiatives/i736_07-0067_Initiative_A1S.pdf)
- Arguments in favor of 7 (http://www.sos.ca.gov/elections/bp_11042008_pres_general/prop_7_arg_in_favor.pdf), proposed for official ballot book.

- Arguments against 7 (http://www.sos.ca.gov/elections/bp_11042008_pres_general/prop_7_arg_against.pdf), proposed for official ballot book.

References

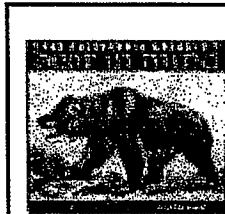
- ↑ California Distributed Energy Resources Guide (http://energyalmanac.ca.gov/electricity/electricity_resource_mix_pie_charts/index.html)
- ↑ Renewable Portfolio Standard (http://en.wikipedia.org/wiki/Renewable_Portfolio_Standard)
- ↑ Sacramento Bee: "Renewable power initiative poised for ballot, draws fire, *April 8, 2008*
- ↑ *Campaign expenditure details*
- ↑ 5.0 5.1 5.2 *Sacramento News & Review*, "California ballot: Betting on Big Solar", July 3, 2008
- ↑ Titles for identification purposes only.
- ↑ *Donors to Prop. 7*
- ↑ *Los Angeles Times*, "Opponents say California power initiative is ill-advised", April 8, 2008
- ↑ 9.0 9.1 9.2 *San Francisco Chronicle*, "Surprise opponents to renewable energy measure", July 5, 2008
- ↑ List of large donors opposing Prop 7
- ↑ *Money talks loudly in Prop 7 contest*
- ↑ Anti-7 expenditures
- ↑ July 22 Field Poll results on Proposition 7
- ↑ *Ballot language battle could be key for Prop. 7*, August 6, 2008
- ↑ "Prop 7 Court ruling Press Release", August 7, 2008

<http://www.noprop7.com>

Additional reading

- *It ain't easy legislating green*, Wall Street Journal, April 9, 2008
- *California voters may toughen renewal targets*, Reuters, April 8, 2008
- *Energy Department Says Wind Energy Could Be Savior*, San Francisco Chronicle, May 13, 2008
- *Geothermal Markets are heating up* Energy Current May 5, 2008

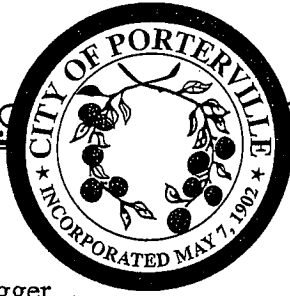
To connect to everything on Ballotpedia about California and its ballot—laws, history, statewide ballot measures, ballot access, and more, visit:



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- California hub
- California ballot news

Retrieved from "http://ballotpedia.org/wiki/index.php/California_Proposition_7_%282008%29"



August 19, 2008

Governor Arnold Schwarzenegger
Attention: Legislative Unit
State Capitol Building
Sacramento, CA 95814

Re: AB 1884 (Maze) – SIGNATURE REQUESTED

Dear Governor:

I write on behalf of the City of Porterville to request that AB 1884 (Maze) be signed into law.

AB 1884 is sponsored by the City of Porterville and the Tule River Tribal Council. This bill permits the Tule River Tribal Council to enter into a joint powers agreement with the City of Porterville.

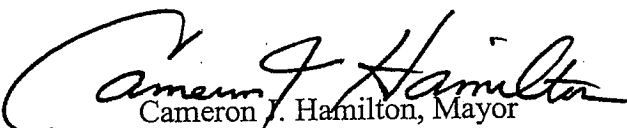
The sole intent of this bill is to allow for the collaborative effort between the City of Porterville and the Tule River Tribe in a Redevelopment Project of lands near the Porterville Airport and the creation of the Porterville Area Airport Development Authority (PAADA). The project calls for the redevelopment of approximately 200 acres, 40 of which are tribal owned lands, from industrial to commercial. This bill is required so both Tribal and City government can exercise government responsibilities within the 'Economic Development Zone' that will be PAADA. This bill will also allow BOTH Tribal and City government resources to come to bear in the form of financing, special grants, and set asides for the development and operation of the project.

AB 1884 has been carefully drafted to provide specificity and avoid ambiguous language. The purpose of the JPA is clearly stated and limited. The power of eminent domain is explicitly denied to the Tule River Tribal Council. In addition, bonding authority is strictly limited. The authorization for the JPA will expire 30 years from the enactment of the bill.

For these reasons, we respectfully request that you sign AB 1884 by Assembly Member Bill Maze.

Thank you for your consideration of our comments.

Sincerely,


Cameron J. Hamilton, Mayor
City of Porterville

City Manager's Office
291 North Main Street Porterville, California 93257
(559) 782-7466 Fax (661) 362-4008 Email: mgr-Office@ci.porterville.ca.us

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